
Judiciary Committee

ESB 5013

Title: An act relating to fees collected by county clerks.

Brief Description: Concerning fees collected by county clerks.

Sponsors: Senators Hargrove, Brandland, Fraser, Hatfield and Parlette.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Changes various fees collected by county clerks for certain services.

Hearing Date: 3/16/09

Staff: Courtney Barnes (786-7194)

Background:

Overview of County Clerk Fees

County clerks are elected officials who oversee all record keeping matters pertaining to the courts, including receipting fees, fines, court-ordered moneys and disbursement of funds. In addition to supporting the superior court system, the county clerk provides public access to court records and assists the public with information and forms.

County clerks collect civil filing fees and other fees for court services as prescribed by statute. Depending on the fee assessed, the fee may or may not be divided with the state. The following table gives the current fee schedule for certain services provided by county clerks. By statute, the fees outlined below are not divisible with the state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Service	Fee
Issuance of a certificate of qualification, certified copy of letters of administration, letters testamentary, or letters of guardianship	\$2
Processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches	\$20 per hour or portion of an hour
Receiving faxed documents	\$3 for the first page, \$1 for each additional page
Collecting unpaid legal financial obligations	A monthly or annual fee for the actual cost of collection
Filing a creditor's claim in a probate proceeding against an estate	No charge
Providing services to parties involved in dissolutions and legal separations filed under RCW Title 26.	Surcharge of up to \$20

Legal Financial Obligations

When a person is convicted of a crime, the court may order the payment of legal financial obligations as part of the offender's sentence. Legal financial obligations may include restitution, costs, fines, and other assessments required by law. By statute, county clerks are authorized to assess a monthly or annual fee for the actual cost of collecting all unpaid legal financial obligations. RCW 9.94A.780(5).

Creditor's Claims in a Probate Proceeding

In a probate proceeding, county clerks do not collect a fee when a party files a creditor's claim under the statute governing claims against an estate.

Summary of Bill:

Overview of County Clerk Fees

The various fees collected by county clerks are modified for certain services. The following table outlines the changes made to the fees collected by county clerks.

Service	Current Fee	Proposed Fee
Issuance of a certificate of qualification, certified copy of letters of administration, letters testamentary, or letters of guardianship	\$2	\$5
Processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches	\$20 per hour or portion of an hour	\$30 per hour
Receiving faxed documents	\$3 for the first page, \$1 for each additional page	\$5 for the first page, \$1 for each additional page
Collecting unpaid legal financial obligations	A monthly or annual fee for the actual cost of collection	Annual fee of up to \$100
Filing a creditor's claim in a probate proceeding against an estate	No charge	\$100
Providing services to parties involved in dissolutions and legal separations filed under RCW Title 26.	Surcharge of up to \$20	Surcharge of up to \$20 only in dissolution and legal separation actions

Legal Financial Obligations

Although county clerks may collect an annual fee, no fee may be assessed when an abstract of a judgment is filed by the county clerk of another county for the purposes of collecting legal financial obligations.

Creditor's Claims in a Probate Proceeding

As an exception to the \$100 filing fee collected from the party filing a creditor's claim, no fee may be collected for claims filed pursuant to the statute governing the State Board of Health.

Appropriation: None.

Fiscal Note: Requested on March 13, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.